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11 Attorneys for Defendants  
BROOKDALE SENIOR LIVING INC. AND  
12 BROOKDALE SENIOR LIVING COMMUNITIES, INC.

13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**  
15 **OAKLAND DIVISION**  
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1 STACIA STINER; HELEN CARLSON,  
2 by and through her Guardian Ad Litem,  
3 JOAN CARLSON; LAWRENCE  
4 QUINLAN, by and through his Guardian  
5 Ad Litem, LORESIA VALLETTE;  
6 EDWARD BORIS, by and through his  
7 Guardian Ad Litem, MICHELE LYTLE;  
8 RALPH SCHMIDT, by and through his  
9 Guardian Ad Litem, HEATHER FISHER;  
10 PATRICIA LINDSTROM, as successor-  
11 in-interest to the Estate of ARTHUR  
12 LINDSTROM; and BERNIE  
13 JESTRABEK-HART; on their own  
14 behalves and on behalf of others similarly  
15 situated,

Plaintiffs,

v.

10 BROOKDALE SENIOR LIVING INC.;  
11 BROOKDALE SENIOR LIVING  
12 COMMUNITIES, INC.; and DOES 1  
13 through 100,

Defendants.

Case No. 17-cv-03962-HSG

**STIPULATION AND ORDER RE  
BRIEFING SCHEDULE FOR  
REQUEST FOR CERTIFICATION  
FOR APPEAL**

**STIPULATION**

15 WHEREAS, on January 25, 2019, the Court denied Defendants' Motion to Dismiss with  
16 regard to the allegations and claims in the Second Amended Complaint based on the Americans  
17 with Disabilities Act, ("ADA");

18 WHEREAS, Defendants believe that no court has addressed whether the ADA applies to  
19 the type of residential housing provided by Brookdale's assisted living communities, and that  
20 substantial ground for difference of opinion exists with respect to whether the ADA applies to;

21 WHEREAS, Defendants believe that resolution of the applicability of the ADA to the  
22 allegations and claims being asserted in this litigation will have a significant impact on discovery,  
23 class certification, and other issues;

24 WHEREAS, Defendants disclosed their intent to request certification from this Court for  
25 an appeal of this narrow issue under 28 U.S.C. § 1292(b) in the parties' January 25, 2019 Joint  
26 Case Management Conference Statement (Dkt. No. 87);

1 WHEREAS, on February 12, 2019, the Court directed the parties to meet and confer and  
2 file a stipulation and proposed order regarding a briefing schedule for Defendants' request for  
3 certification for appeal (Dkt. No. 89), to consist solely of a Motion by Defendants and an  
4 Opposition by Plaintiffs;

5 WHEREAS, Plaintiffs dispute Defendants' contention that the foregoing issue satisfies the  
6 applicable legal standard for certification for appeal set forth in 28 U.S.C. § 1292(b) and  
7 applicable precedent;

8 WHEREAS, Defendants filed their Motion to Certify for Interlocutory Appeal and Motion  
9 to Stay on February 26, 2019;

10 WHEREAS, Plaintiffs require additional time in which to prepare their opposition to  
11 Defendants' Motion to Certify for Interlocutory Appeal and Motion to Stay because of their  
12 obligations on other cases during the past two weeks;

13 NOW, THEREFORE, IT IS HEREBY STIPULATED that:

14 (1) Plaintiffs will file and serve their Opposition by no later than Monday, March 25,  
15 2019.

16 Dated: March 11, 2019

17 MATT POWERS  
18 JEFFREY A. BARKER  
19 ADAM P. KOHSWEENEY  
20 MALLORY JENSEN  
21 O'MELVENY & MYERS LLP

22 By: /s/ Jeffrey A. Barker

23 Attorneys for Defendants  
24 BROOKDALE SENIOR LIVING INC.  
25 BROOKDALE SENIOR LIVING  
26 COMMUNITIES, INC.  
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GUY B. WALLACE  
SCHNEIDER WALLACE  
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WOTKYNs LLP

GAY CROSTHWAIT GRUNFELD  
ROSEN BIEN GALVAN & GRUNFELD LLP

KATHRYN A. STEBNER  
STEBNER AND ASSOCIATES

By: /s/ Guy B. Wallace

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Attorneys for Plaintiffs and the Proposed  
Classes

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Dated: March 12, 2019

By: /s/ Guy B. Wallace

## CERTIFICATE OF SERVICE


Dated: March 13, 2019

/s/ Guy B. Wallace  
Guy B. Wallace (SBN 176151)  
SCHNEIDER WALLACE  
COTTRELL KONECKY WOTKYNs LLP

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(1) Plaintiffs shall file and serve their Opposition, if any, by no later than Monday, March 25, 2019.

DATED: March 13, 2019

  
Honorab! Haywood S. Gilliam, Jr.  
UNITED STATES DISTRICT JUDGE